

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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**SENATE BILL 942**

Environment and Natural Resources Committee Substitute Adopted 5/8/89

Short Title: Local Notice For Discharge Permits.

(Public)

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Sponsors:

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Referred to:

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April 19, 1989

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE LOCAL INVOLVEMENT IN THE DECISION TO ISSUE  
3 A PERMIT TO DISCHARGE TO SURFACE WATERS.

4 The General Assembly of North Carolina enacts:

5           Section 1. G.S. 143-215.1(c) reads as rewritten:

6           "(c) Applications for Permits and Renewals for Facilities Discharging to the  
7 Surface Waters. –

8           (1) All applications for permits and for renewal of existing permits for  
9 outlets and point sources and for treatment works and disposal systems  
10 discharging to the surface waters of the State shall be in writing, and  
11 the Commission may prescribe the form of such applications. All  
12 applications shall be filed with the Commission at least 180 days in  
13 advance of the date on which it is desired to commence the discharge  
14 of wastes or the date on which an existing permit expires, as the case  
15 may be. The Commission shall act on a permit application as quickly  
16 as possible. The Commission may conduct any inquiry or investigation  
17 it considers necessary before acting on an application and may require  
18 an applicant to submit plans, specifications, and other information the  
19 Commission considers necessary to evaluate the application.

20           (2) a. The Department shall refer each application for permit, or renewal  
21 of an existing permit, for outlets and point sources and treatment  
22 works and disposal systems discharging to the surface waters of the  
23 State to its staff for written evaluation and proposed determination

1 with regard to issuance or denial of the permit. If the Commission  
2 concurs in the proposed determination, it shall cause notice of the  
3 application and of the proposed determination, along with any other  
4 data that the Commission may determine appropriate, to be given to  
5 the appropriate State, interstate and federal agencies, to interested  
6 persons, and to the public. The Commission shall prescribe the form  
7 and content of the notice.

8 The notice required herein shall be given at least 45 days  
9 prior to any proposed final action granting or denying the  
10 permit. Public notice shall be given by publication of the notice  
11 one time in a newspaper having general circulation within the  
12 county.

13 b. Repealed by Session Laws 1987, c. 734.

- 14 (3) If any person desires a public meeting on any application for permit or  
15 renewal of an existing permit provided for in this subsection, he shall  
16 so request in writing to the Commission within 30 days following date  
17 of the notice of application. The Commission shall consider all such  
18 requests for meeting, and if the Commission determines that there is a  
19 significant public interest in holding such meeting, at least 30 days'  
20 notice of such meeting shall be given to all persons to whom notice of  
21 application was sent and to any other person requesting notice. At least  
22 30 days prior to the date of meeting, the Commission shall also cause a  
23 copy of the notice thereof to be published at least one time in a  
24 newspaper having general circulation in such county. In any county in  
25 which there is more than one newspaper having general circulation in  
26 that county, the Commission shall cause a copy of such notice to be  
27 published in as many newspapers having general circulation in the  
28 county as the Commission in its discretion determines may be  
29 necessary to assure that such notice is generally available throughout  
30 the county. The Commission shall prescribe the form and content of  
31 the notices.

32 The Commission shall prescribe the procedures to be followed in  
33 such meetings. If the meeting is not conducted by the Commission,  
34 detailed minutes of the meeting shall be kept and shall be submitted,  
35 along with any other written comments, exhibits or documents  
36 presented at the meeting, to the Commission for its consideration prior  
37 to final action granting or denying the permit.

- 38 (4) Not later than 60 days following notice of application or, if a public  
39 hearing is held, within 90 days following consideration of the matters  
40 and things presented at such hearing, the Commission shall grant or  
41 deny any application for issuance of a new permit or for renewal of an  
42 existing permit. All permits or renewals issued by the Commission and  
43 all decisions denying application for permit or renewal shall be in  
44 writing.

1 (5) No permit issued pursuant to this subsection (c) shall be issued or  
2 renewed for a term exceeding five years.

3 (6) The Commission shall not act upon an application for a new  
4 nonmunicipal domestic wastewater discharge facility until it has  
5 received a written statement from each city and county government  
6 having jurisdiction over any part of the lands on which the proposed  
7 facility and its appurtenances are to be located which states whether  
8 the city or county has in effect a zoning, subdivision, or other land use  
9 ordinance and, if such an ordinance is in effect, whether the proposed  
10 facility is consistent with the the ordinance. The Commission shall not  
11 approve a permit application for any facility which a city or county has  
12 determined to be inconsistent with its zoning, subdivision, or other  
13 land use ordinance unless it determines that the approval of such  
14 application has statewide significance and is in the best interest of the  
15 State. An applicant for a permit shall request that each city and county  
16 government having jurisdiction issue the statement required by this  
17 subdivision by delivery of a written request for such statement and a  
18 copy of the draft permit application to the clerk of the city or county.  
19 If a local government fails to issue the statement required by this  
20 subdivision within 30 days after such request, the Commission may  
21 proceed to consider the permit application notwithstanding this  
22 subdivision."

23 Sec. 2. This act shall become effective October 1, 1989, and applies to  
24 permits issued on and after that date.